

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

KEITH L NASH,

Plaintiff,

v.

GARRY E LUCAS, DOUGHER,
RICHARD J BISHOP, ANDERSON,
NAGY, HUFF, HOLOPETER,

Defendants.

CASE NO. C14-5996 RBL-JRC

ORDER

The District Court has referred this 42 U.S.C. § 1983 civil rights action to United States Magistrate Judge J. Richard Creatura pursuant to 28 U.S.C. § 636(b)(1)(A) and (B), and local Magistrate Judge Rules MJR1, MJR3 and MJR4.

Currently before the Court is plaintiff's motion to file an amended complaint (Dkt. 10). On January 8, 2015, the Court entered an order to show cause why the action should not be dismissed as frivolous (Dkt. 8). Plaintiff responded and also filed a motion asking the Court for leave to file an amended complaint (Dkt. 10 and 11). Plaintiff has not provided the Court with a proposed amended complaint.

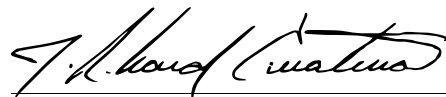
1 The Local Rules for the United States District Court for the Western District of
2 Washington require a person seeking to amend a complaint to provide a copy of the proposed
3 amended complaint for review. The Local Rule states:

4 A party who moves for leave to amend a pleading, or who seeks to amend a
5 pleading by stipulation and order, must attach a copy of the proposed amended
6 pleading as an exhibit to the motion or stipulation. The party must indicate on the
7 proposed amended pleading how it differs from the pleading that it amends by
8 bracketing or striking through the text to be deleted and underlining or
9 highlighting the text to be added. The proposed amended pleading must not
incorporate by reference any part of the preceding pleading, including exhibits. If
a motion or stipulation for leave to amend is granted, the party whose pleading
was amended must file and serve the amended pleading on all parties within
fourteen (14) days of the filing of the order granting leave to amend, unless the
court orders otherwise.

10 See Local Civil Rule 15. Plaintiff does not need to highlight or bracket his changes because he is
11 a pro se litigant. However, the Court will not accept a complaint that incorporates by reference
12 any portion of another document.

13 The Court denies plaintiff's motion to file an amended complaint because of plaintiff's
14 failure to follow the Local Rules of the Court. The Court's denial is without prejudice and on or
15 before March 13, 2015, plaintiff may file a new motion to file an amended complaint that
16 includes a proposed amended complaint. If plaintiff fails to comply with this order or if the
17 proposed amended complaint does not state a claim the Court will issue a Report and
18 Recommendation that this action be dismissed with prejudice with the dismissal counting as a
19 strike pursuant to 28 U.S.C. § 1915.

20 Dated this 10th day of February, 2015.

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23 J. Richard Creatura
24 United States Magistrate Judge